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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,661

06/20/2006

Jorg Schafer

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EXAMINER

JAMA, ISAAK R

ART UNIT

PAPER NUMBER

4163

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DELIVERY MODE

08/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,661	<b>Applicant(s)</b> SCHAFFER, JORG	
	<b>Examiner</b> ISAAK JAMA	<b>Art Unit</b> 4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/20/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/20/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,225,002 (Lee et al.).
2. Regarding claim 4, Lee teaches a radio operated communication terminal (Figure 1b), comprising: at least two housing parts, which can move with respect to one another (Figure 3b, #s 110 and 120); at least one miniature motor (Figure 9, # 210; column 6, lines 22-23), operatively coupled between the two housing parts; and the housing parts can be moved by means of miniature motors (Figure 9, #s 60 and 70, column 6, lines 22-26), and a processor operatively coupled to the at least one miniature motor, wherein the processor initiates a signal to the motor causing movement in at least one of the two housing parts (column 3, lines 60-67; i.e. a driving controller for controlling a driving of the motor part using a signal of the sensor unit).
3. Regarding claim 6, Lee further teaches a radio operated communication terminal wherein the miniature motors are driven such that incoming signaling data is output by

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means of a corresponding movement of one housing part (columns 10 & 11, lines 67 and 1-2 respectively).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,225,002 (Lee et al.) in view of U.S. Patent Number 5,191,320 (McKay) and further in view U.S. Patent Application Publication Number 2006/0030380 (Pentinpuro).

2. Regarding claim 5, Lee has been discussed above. What Lee fails to teach is that the miniature motors are driven such that direct force feedback is provided via the miniature motors. McKay teaches a variable scale input device with a forced feedback motor (Figure 2A, # 28). But both Lee and McKay are silent to the limitation that manual movement of the housing parts is used to make an input during a games function. Pentinpuro teaches a mobile communication and gaming terminal in which when a movable part is moved 90° from the retracted to extended position, the processor recognizes this event by a signal from one or more sensors and automatically changes from any communication related mode to a gaming mode (page 2, paragraph 0028). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the forced feedback functionality of McKay to the mobile apparatus of Lee in order to increase or decrease the movability of the motors,

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and to further incorporate the teaching of Pentinpuro's physical movement of the housing to trigger a gaming function into the combined systems of Lee and McKay in order for the user to easily transition from a communication mode to a gaming mode.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Number 6,782,273 (Ono et al.) teaches a portable wireless apparatus having a first and second housing with a motor carrying out the opening and closing between the housings. U.S. Patent Application Publication Number 2006/0019729 (Harris) teaches a system and method for a comfortable wireless communication device. U.S. Patent Application Publication Number 2006/0082554 (Caine et al.) teaches an integrated input roller having a rotary mass actuator with a processor that can be programmed to cause the input roller to provide a varied tactile feedback. U.S. Patent Number 6,628,974 (Lim) teaches a folder operating apparatus for a cellular phone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAK JAMA whose telephone number is (571)270-5887. The examiner can normally be reached on 7:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on (571) 272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IRJ/

/Mark A. Robinson/  
Supervisory Patent Examiner, Art Unit 4163